

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 711
Title 14, California Code of Regulations
Re: Cold Storage and Food Locker Plant Records

I. Date of Initial Statement of Reasons: January 14, 2002

II. Dates and Locations of Scheduled Hearings:

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| (a) | Notice Hearing: | Date: | February 9, 2002 |
| | | Location: | Sacramento, California |
| (b) | Discussion Hearing: | Date: | March 8, 2002 |
| | | Location: | San Diego, California |
| (c) | Discussion Hearing: | Date: | April 5, 2002 |
| | | Location: | Long Beach, California |
| (d) | Adoption Hearing: | Date: | April 25, 2002 |
| | | Location: | Sacramento, California |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The existing regulation of Section 711, requires any person operating a cold storage or frozen food locker plant to maintain detailed records for the Department regarding game birds or game mammals they process. This includes: the name and address of the individual delivering the game bird or game mammal for processing; the hunter's name, address, and hunting license number; the location of kill; the species taken and the number of parts thereof; the weight of each game bird or mammal delivered for processing; and the date received. These records are required to be maintained at the facility for a period of three years and shall be made available for inspection by wardens of the Department.

The proposed action is intended to reduce the burden on cold storage and frozen food locker plant operators by reducing the amount of

information they are required to maintain to the minimum needed for enforcement and wildlife management purposes. Specifically, the proposed action would eliminate the requirement for plant operators to: (1) record the weight of game birds and game mammals received; and (2) record the number of game bird or game mammal parts received. The requirement to maintain records for the Department for three years would be reduced to one year.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Section(s): 200, Fish and Game Code

Reference: Section(s): 200, 3086, Fish and Game Code

- (c) Specific Technology or Equipment Required by Regulatory Change:
None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

Draft Environmental Document Regarding Elk Hunting.

- (e) Public Discussions of Proposed Regulations Prior to Notice publication:

Although the proposed changes are relatively simple and few, the Department held four public meetings regarding the proposed changes as follows:

November 7, 2001 in Fresno

November 13, 2001 in San Diego

November 29, 2001 in Monterey

December 13, 2001 in Sacramento

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

An alternative which would have eliminated the requirement for cold storage and frozen food locker plants to maintain records of game birds or game mammals they process was considered.

- (b) No Change Alternative:

If the existing regulation is retained, businesses that process game birds and game mammals would continue to collect detailed information on

species they process. This unnecessarily burdens plant operators by requirement them to record specific information not critical to the Department's mission.

(c) Consideration of Alternatives:

The alternative to eliminate Section 711, was considered and rejected. Information collect by plant operators can be valuable to the Department's Wildlife Protection personnel and is used intermittently by the Wildlife Programs Branch to analyze deer tag returns and estimate harvest.

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

The statement described pursuant to Section 11346.14(b), Government Code, may be modified by information received at public meetings scheduled for March 8, 2002, in San Diego, California, and April 5, 2002, in Long Beach, California.

V. Mitigation Measures Required by Regulatory Action:

Attached are copies of the Draft Environmental Document Regarding Elk Hunting.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed action reduces the amount of information locker plant operators are required to record and the duration those records must be maintained. These changes may result in minor cost savings to plant

operators due to a reduction in the time needed to complete and maintain records required by this Section.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

INFORMATIVE DIGEST (Policy Statement Overview)

Under current regulations, any person operating a cold storage or frozen food locker plant is required to maintain detailed records for the Department regarding game birds or game mammals they process. The proposed action is intended to reduce the burden on plant operators by reducing the amount of information they are required to maintain to the minimum needed for enforcement and wildlife management purposes.

Specifically, the proposed action would eliminate the requirement for plant operators to: (1) record the weight of game birds and mammals; and (2) record the number of game bird or game mammal parts received. The requirement to maintain records for the Department for three years would be reduced to one year.